

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

NABARD RIDF-II -OS.No.34/2001 filed by the contractor M/s Adusumilli Constructions Engineers before the II Additional District Judge, Vijaywada for claims of Rs.5200000/-- Government preferred appeal- Orders of High Court dated 27.7.2011 granted interim stay on condition of depositing 75 % of decretal amount with in 8 weeks - Implementation of orders of High Court - Orders issued

PANCHAYAT RAJ & RURAL DEVELOPMENT (PROGRAMS.II) DEPARTMENT

G.O.Rt.1573

Dated:18.10.2011.

Read the following:-

1. GO No 31, PR&RD (Progs-II) Department dated 30-01-1987.
2. Order, dt.15-3-2010 in O.S.No.34/2001 filed by M/s. Adusumilli Construction Engineering, Vijayawada, Krishna District.
3. Order, dt.15-3-2010 of the High Court of A.P in ASMP.No 1578/2011 in AS No 463/2011 dated 27.7.2011
4. GO.Rt.No.2839 Fin (WA.I) Department dated 22.7.2011

ORDER:-

In the reference 1st read above, administrative sanction was accorded for an amount of Rs. 40.00 Lakhs in respect of the work, "road from Gundugolanu to Alapadu", Krishna district under NABARD RIDF-II. The work was entrusted to Adusumilli Constructions, Vijayawada @ 39.50% excess over estimate rates of 1996-97 SS Rates for completing the work in 12 months after handing over of the site, vide Agreement No. 8/97-98 dated 16-6-1997 with a Contract agreement value for Rs. 53, 48,569.41/-

2. The Contractor approached the II Additional District and Sessions Court, Vijayawada vide O.S.No.34 of 2001 with the following claims.

1) Value of work don but not paid	: Rs. 2,45,000.00
2) Refund of EMD of with held amount FSD	: Rs. 35,957.00
3) Balance payment for conveyance of soils	: Rs. 9,10,385.00
4) Over head charges	: Rs. 4,35,075.00
5) Idle charges of the labour and machinery	: Rs. 5,96,700.00
6) Loss of profit in work prevented from Completion	: Rs. 5,85,754.00
7) Loss of materials quarried, crushed to required Size and stacked	: Rs.14,40,937.00
8) Damages for delayed payments	: Rs. 27,960.00
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	: Rs.42,77,768.00
9)Interest @ 21% from 29.07.98 to 28.07.01 On Rs.42,77,768.00	: Rs.26,91,991.00
Total:-	: Rs.69,69,759.00

3. The II Addl. DSJ Court Vijayawada in its judgment dt.15.03.2010 admitting seven claims out of 8 (i.e except the claim at Sl.No.6) ordered to pay Rs. 36,92,014/- and interest on the said amount of Rs. 36,92,014/- at the rate of 9% per annum from 29-07-1998 to 28-07-2001 which comes to Rs. 9,96,843/-. The total amount decreed to be paid is Rs.46,88,857/- (Rs.36,92,014/- + 9,96,843/-).

4. In the reference 3rd read above, the Hon'ble High Court has issued orders by giving stay on condition of depositing 75% of decretal amount within a period of 8 weeks from the date of order and on such deposit the Respondent/Contractor is at liberty to withdraw 50% of amount with out security and remaining 25% upon furnishing security.

5. Government after careful consideration of the orders of High Court, hereby decided to deposit 75% of decretal amount i.e (Rs.35,16,642/-) from out of the total of Rs. 46,88,857/- to the II Additional District and Sessions Court, Vijayawada by meeting

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the expenditure from the BRO issued by Finance Department in the reference 4th read above under MH.2515-196-07-SH (06) Asst. to PRIs under RIDF-310/319 Grants for creation of Capital Assets.

6. The Chief Engineer, Panchayat Raj, NABARD Hyderabad is requested to issue Letter of concern in favour of concerned EE, Panchayat Raj, Krishna district so as to enable him to draw the said amount and deposit the same before the Court of II Additional District and Sessions Court, Vijayawada immediately as per the directions of the Hon'ble High Court in the reference 3rd read above.

7. The Chief Engineer, Panchayat Raj, NABARD, Hyderabad and SE, Panchayat Raj, Krishna district are requested to take immediate action and report compliance to Government.

8. This order issues with the concurrence of Finance (Expr. PR&RD) Department vide their UO.No.6222/580/11 dated 1.10.2011.

9. A copy of this order is available on Internet at www.ap.gov.in/goir.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr.RAJIV SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT**

To:

The Chief Engineer, Panchayat Raj, NABARD, Hyderabad.

The Superintending Engineer, Panchayat Raj, Krishna

Copy to:

Office of Advocate General for favour of information.

The PS to M (Panchayat Raj & RWS)

Finance (WA.I) Department.

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//FORWARDED::BY ORDER//

SECTION OFFICER